

PTO/SB/21 (02-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	101772,705	
	Filing Date	02-05-2004	
	First Named Inventor	RICHARD ET AL.	
	Art Unit	3637	
	Examiner Name	N/A	
Total Number of Pages in This Submission	6	Attorney Docket Number	3689

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Make Special (3 pgs.) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <div style="text-align: center;">Return Receipt Postcard</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	DOUGHERTY, CLEMENTS & HOFER F. Rhett Brockington
Signature	
Date	03-25-2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Barbara C. Brown
Signature	
Date	03-25-2004

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FEE TRANSMITTAL

MAR 29 2004

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 130.00)

Complete if Known

Application Number	10/772,705
Filing Date	02-05-2004
First Named Inventor	Thomas Roy RICHARD
Examiner Name	N/A
Art Unit	3637
Attorney Docket No.	3689

METHOD OF PAYMENT (check all that apply)
☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

04-1448

Dougherty, Clements, & Hofer

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid	
Total Claims		-20** =		X		=	
Independent Claims		-3** =		X		=	
Multiple Dependent							

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) **Petition to Make Special - under 1.17(h)** 130.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)**SUBMITTED BY**

Name (Print/Type) F. Rhett Brockington

Registration No.
(Attorney/Agent)

29,618

(Complete (if applicable))

Telephone 704-366-6642

Signature

F. Rhett Brockington

Date

03-25-2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATIONS

Confirmation Number: N/A

MARCH 25, 2004

Art Unit: 3637

Applicant: RICHARD ET AL.

Serial No. 10/772,705

Filed: FEBRUARY 5, 2004

Examiner: N/A

Title: GUTTER CAP HAVING A UNIQUE INTERLOCKING BRACKET

PETITION TO MAKE SPECIAL

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicant hereby petitions the Commissioner, through his attorney of record, that this application be made special and that the prosecution thereof be expedited as much as possible.

As a basis for the granting of the above petition, the following facts and circumstances are set forth.

STATEMENT UNDER 37 C.F.R. § 1.102 FOR PETITION TO MAKE SPECIAL

(A) The prospective manufacturer is Gutter Pro USA, a North Carolina company headquartered in Hickory, NC. Gutter Pro USA presently has sufficient available capital

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and facilities to convert aluminum sheeting to guttering in quantity. Gutter Pro USA has more than \$500,000 in capital. In their plant in Hickory, they have plastic extruding equipment for manufacturing a plastic bracket that was disclosed in patent application 10/253,195 (now allowed), and patent application 29/184,015 (now allowed). Gutter Pro USA are converters of aluminum sheeting and roll stock, and can manufacture aluminum guttering, caps, downspouts and miscellaneous components for the fabrication of gutters and gutter caps. Furthermore they have a network of distributors and sales personnel. It is projected that when patent applications 10/253,195 and 29/184,015 issue, that these two patents will significantly increase their business, and Gutter Pro USA is forecasting sales of \$4 million. In addition to these two patent applications, Gutter Pro USA has a US patent application, serial number 10/772705 filed on February 5, 2004, that is a unique interlocking aluminum bracket.

(B) Gutter Pro USA has been contacted by an aluminum manufacturer that has the capability to manufacture the aluminum bracket. The aluminum manufacturer has a distribution company that is much larger than Gutter Pro USA's distribution network, and the aluminum manufacturer will sell Gutter Pro USA's gutters and brackets, when Gutter Pro USA obtains a patent on the unique interlocking aluminum bracket. Using the larger distribution network and the new bracket technology that compliments patent applications 10/253,195 and 29/184,015, the sales projections are from about \$8 to \$50 million. The at least doubling of sales is a function of not only higher volumes, but actual growth of the market, as the technologies disclosed in these afore mentioned patent applications lower the cost of installation. The cost of installation accounts well over half the cost of the installed product.

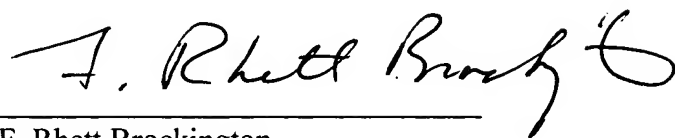
(C) The prospective manufacturer, Gutter Pro USA, has obligated itself to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent, which will protect the investment of capital and facilities.

(D) The applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Applicant has already provided one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and said references are were submitted with the application of record.

Pursuant to 37 C.F.R. 1.17(h) for a PETITION TO MAKE SPECIAL, a fee in the amount of \$130 is enclosed.

Respectfully submitted,

A handwritten signature in black ink, reading "F. Rhett Brockington". The signature is fluid and cursive, with a large, stylized "F" and a long, sweeping underline.

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Attorney's
Docket 3689